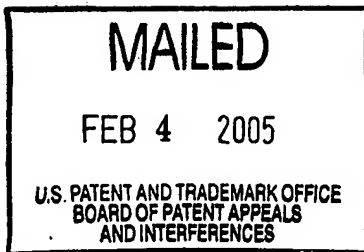


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES



Ex parte XIAOJU WU et al.

Application No. 10/017,990

ORDER RETURNING UNDOCKETED APPEAL

This application was received at the Board of Patent Appeals and Interferences on January 10, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

An Appeal Brief was filed on August 15, 2003 (Paper No. 12). Pages 6 and 7 of the Brief state:

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Please charge any fees in connection with the filing of this paper, including extension of time fees, to the deposit account of Texas Instruments, Incorporated, Account No. 20-0668.

The Patent and Trademark Office records reflect that the Appeal Brief fee has not been charged.

In addition, section 707.08 of the Manual of Patent Examining Procedure (MPEP) (8th Ed., Rev. 1 (Feb. 2003) states:

The full surname of the examiner who prepares the Office action will, in all cases, be typed at the end of the action

After the action is typed, the examiner who prepared the action reviews it for correctness. The surname or initials of the examiner who prepared the action and the date on which the action was typed should appear below the action. If the examiner does not have the authority to sign the action, he or she should initial above the typed name or initials

The Examiner's Answer mailed November 4, 2003 is deficient in that there is no signature or initials for Dana Farahani. Correction is required.

Finally, a Reply Brief (no paper number given) and Request for Oral Hearing (Paper No. 14) were filed on December 8,

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2003 in response to the Examiner's Answer mailed November 4, 2003 (Paper No. 13). However, there is no indication in the record of whether or not the examiner has considered the Reply Brief.

Section 1.193(b)(1) of the Code of Federal Regulations (2003) states:

(b)(1) Appellant may file a reply brief to an examiner's answer or a supplemental examiner's answer within two months from the date of such examiner's answer. . . . The primary examiner must either acknowledge receipt and entry of the reply brief or withdraw the final rejection and reopen prosecution to respond to the reply brief.

It should also be noted that the Reply Brief has not been included on the "Contents" page of the file wrapper nor has it been entered into the PALM database. Correction is required.

Accordingly, it is

ORDERED that the application is returned to the examiner:

1. for charging the \$320.00 Appeal Brief fee to Deposit Account 20-0668 as requested in the Appeal Brief filed August 15, 2003 (Paper No. 12);


2. for taking corrective action regarding the signature or initials for Dana Farahani;

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3. for proper response to the Reply Brief;
4. for entry of the Reply Brief onto the "Contents" page of the file wrapper and into the PALM database;
5. for written communication to appellants regarding the action taken; and
6. for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:


DALE SHAW
Program and Resource Administrator
(571) 272-9797

cc: Texas Instruments Incorporated
P.O. Box 655474, M/S 3999
Dallas, TX 75265

DS/psb/ts
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